

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 26, 2008. At the time of the Office Action, Claims 12-22 were pending in this Application. Claims 12-22 were rejected. Claims 1-3, 5-6, and 11-12 have been amended to further define various features of Applicants' invention. Dependent Claims 13 and 15 are cancelled without prejudice or disclaimer. New dependent Claim 16 is added. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1-6, 9, and 11-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,464,925 or US Patent 6,521,166, both issued to Tomohiro et al. ("*Tomohiro '925 and Tomohiro '166*").

Claims 1 and 11-12 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,046,526 to Maruyama ("*Maruyama*").

Claims 1 and 3-4 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication 2002/0173573 to Borchers ("*Borchers*").

Claims 1 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by *Tomohiro '925*.

For prior art based rejections under either 35 U.S.C. §102 or 35 U.S.C. §103, the prior art reference(s) much teach every limitation of the claim at issue. Regarding rejections under 35 U.S.C. §102, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Similarly, regarding rejections under 35 U.S.C. §103, in order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Applicants respectfully submit that the cited references do not teach every limitation of Applicants' claims as amended. For example, amended Claim 1 recites in part:

a) providing a group of components in a first state prior to being polarized;

b) measuring at least one first parameter of each of the components of the group in the first state;

c) polarizing the piezoceramic element of the components of the group such that the components are in a second, polarized state;

d) measuring a second parameter of each of the components of the group in the second, polarized state, the second parameter being different than the at least one first parameter;

e) establishing a correlation between the at least one first parameter and the second parameter by comparing the measurements of the at least one first parameter for the group of components in the first state with the measurements of the second parameter for the group of components in the second, polarized state; and

f) determining whether to accept or reject a particular component based at least on a measurement of the at least one first parameter of the particular component in the first, pre-polarization state and the established correlation

The cited references do not teach measuring at least one first parameter of components in a first state prior to being polarized, then measuring a second, **different parameter** of the components in a second, polarized state, and establishing a correlation between the first parameter(s) and the second parameter based on such measurements.

Tomohiro '925 and *Tomohiro '166* teach "[a] method of polarization-treating a piezoelectric body, which is constructed such that current flows through the piezoelectric body in response to application of a DC voltage to the piezoelectric body, includes the steps of measuring current flowing through the piezoelectric body, and stopping the application of the DC voltage at the time when the measured current value reaches a set level." (*Tomohiro '925*, Abstract). The Examiner points to Fig. 2 of *Tomohiro '166* and Fig. 3 of *Tomohiro '925*. Fig. 2 of *Tomohiro '166* shows:

Fig. 2

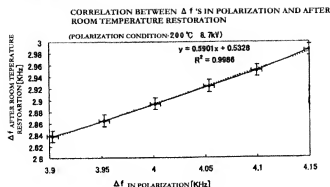
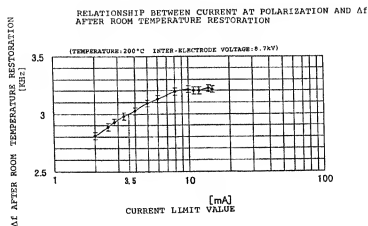


Fig. 3 of Tomohiro '925 shows:

Fig. 3



Tomohiro '925 explains that "FIG. 3 shows a correlation between the current limit value i_L in the polarization and the polarization degree Δf_2 obtained after the application to the aging to the ordinary temperature restoration, following the current value reaching the current limit value." (Col. 3, lines 14-18) Thus, Tomohiro teaches establishing a correlation between a first parameter (current limit value i_L) measured in a first, polarized state of the component and a second parameter (polarization degree Δf_2) measured in a second, after-polarization state of the component. This is contrary to Applicants' Claim 1, which teaches establishing a correlation between a first parameter measured in a first, pre-polarization state of a group of components and a second parameter measured in a second, polarized state of the components. Tomohiro does not teach any correlation between a pre-polarization

measurement of a first parameter and a during-polarization measurement of a second parameter. Thus, amended Claim 1 is patentable over *Tomohiro* '925 and *Tomohiro* '166.

Regarding *Maruyama*, the cited portions (col. 4, line 46-48 and col. 6, lines 61-62) teach merely:

In these figures, there is shown a laminated piezoelectric device 1 comprising eight laminated sheets of piezoelectric elements 4.

and

Typically, an increase in the capacitance by 20-30% can be observed, which means that polarization has occurred.

Regarding *Borchers*, the cited portion (paragraph 37) teaches merely:

[0037] Furthermore, the comparison of polarized and unpolarized reference specimens without addition of conductive aids illustrates a dramatic increase in the damping characteristics for polarized specimens (see FIGS. 7 and 8 for polarized and unpolarized reference specimens, respectively).

Thus, at best, *Maruyama* and *Borchers* teach a comparison of a measurement of a first parameter of a component in a first state of the component with a measurement of the same first parameter of the component in a second state of the component. This is contrary to Applicants' Claim 1, which teaches establishing a correlation between a first parameter of components in a first state of the components and a different second parameter of the components in a second state of the components.

Therefore, none of the cited references teach the limitations of amended Claim 1 of measuring at least one first parameter of components in a first state prior to being polarized, then measuring a second, different parameter of the components in a second, polarized state, and establishing a correlation between the first parameter(s) and the second parameter based on such measurements.

As another example, none of the cited references teach the limitation of amended Claim 1 of "determining whether to accept or reject a particular component based at least on a measurement of the at least one first parameter of the particular component in the first, pre-polarization state and the established correlation." Applicants did not find any teaching in *Tomohiro* '925, *Tomohiro* '166, *Maruyama*, or *Borchers* of using an established correlation

as discussed above, along with a pre-polarization measurement of a particular component, to determining whether to accept or reject the particular component.

For at least these reasons, Applicants respectfully request reconsideration and allowance of amended Claim 1, as well as Claims 2-6, 9, 11-12, 14, and 16 that depend from Claim 1.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants respectfully submit a Petition for a One Month Extension of Time. The Commissioner is authorized to charge the fee of \$1110 to Deposit Account No. 50-4871 of King & Spalding LLP in order to effectuate this filing. Applicant believes no other fees are due; however, should the Commissioner deem that any additional fees are due, including any fees for any additional extensions of time, the Commissioner is hereby authorized to debit said fees from deposit account number 50-4871.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457-2030.

Respectfully submitted,
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